

Environmental Assessment Checklist

Project Name: Wolfagator Limited Access Timber Sale

Proposed Implementation Date: November 2022

Proponent: Lewistown Unit, Northeast Land Office, Montana DNRC

County: Fergus

Type and Purpose of Action

Description of Proposed Action:

The Lewistown Unit of the Montana Department of Natural Resources and Conservation (DNRC) is proposing the Wolfagator Limited Access Timber Sale. The project is located 15 miles Southeast of Lewistown (refer to Attachment's vicinity map A-1 and project map A-2) and includes the following sections:

Beneficiary	Legal Description	Total Acres	Treated Acres
Common Schools	Section 36 T15N R20E	640	130

Objectives of the project include:

- Removing the sawlog sized overstory, releasing the understory.
- Generating revenue for the common school trust.
- Promote the continued presence of historically appropriate timber types on Montana School Trust Lands.

Proposed activities include:

Action	Quantity
Proposed Harvest Activities	# Acres
Seed Tree	130
Total Treatment Acres	130
Proposed Road Activities	# Miles
New permanent road construction	.25

The lands involved in this proposed project are held in trust by the State of Montana. (Enabling Act of February 22, 1889; 1972 Montana Constitution, Article X, Section 11). The Board of Land Commissioners and the DNRC are required by law to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run for the beneficiary institutions (Section 77-1-202, MCA).

The DNRC would manage lands involved in this project in accordance with:

- The State Forest Land Management Plan (DNRC 1996),
- Administrative Rules for Forest Management (ARM 36.11.401 through 471),
- and all other applicable state and federal laws.

Project Development

SCOPING:

- DATE:
 - August 18th, 2022 – September 1st, 2022
- PUBLIC SCOPED:
 - The scoping notice was posted on the DNRC Website: <http://dnrc.mt.gov/public-interest/public-notice>
 - DNRC Statewide Scoping list.
 - DNRC Northeastern Land office scoping list
 - Adjacent landowners
- AGENCIES SCOPED:
 - Montana Tribal Agencies
- COMMENTS RECEIVED:
 - How many: 5
 - Concerns: Two comment letters were received from adjacent landowners, who expressed concerns over harvest prescription and volume, wildlife, soil impacts, economics, natural regeneration, archeological impacts, cumulative effects and post-harvest slash piles. Two comments were received from tribal agencies regarding an archeological assessment for the project area and one comment was received from a timber industry representative showing support for the project.
 - Results (how were concerns addressed): All public comments and DNRC's responses to comments are presented in Attachment B at the end of this document.

DNRC specialists were consulted, including: Patrick Rennie, DNRC Archeologist; Jeff Schmalenberg, Resource Management and Planning Section Supervisor; Emilia Grzesik, Forest Management Planner.

Internal and external issues and concerns were incorporated into project planning and design and will be implemented in associated contracts.

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED: *(Conservation Easements, Army Corps of Engineers, road use permits, etc.)*

- **Montana Department of Environmental Quality (DEQ)**- DNRC is classified as a major open burner by DEQ and is issued a permit from DEQ to conduct burning activities on

state lands managed by DNRC. As a major open-burning permit holder, DNRC agrees to comply with the limitations and conditions of the permit.

- **Montana/Idaho Airshed Group-** The DNRC is a member of the Montana/Idaho Airshed Group which was formed to minimize or prevent smoke impacts while using fire to accomplish land management objectives and/or fuel hazard reduction (Montana/Idaho Airshed Group 2006). The Group determines the delineation of airsheds and impact zones throughout Idaho and Montana. Airsheds describe those geographical areas that have similar atmospheric conditions, while impact zones describe any area in Montana or Idaho that the Group deems smoke sensitive and/or having an existing air quality problem (Montana/Idaho Airshed Group 2006). As a member of the Airshed Group, DNRC agrees to burn only on days approved for good smoke dispersion as determined by the Smoke Management Unit.

ALTERNATIVES CONSIDERED:

No-Action Alternative: The no action alternative would postpone any timber harvest at this time. No timber would be harvested and therefore no revenue would be generated from the project area for the Common Schools Trust at this time.

Action Alternative: The proposed action would mechanically harvest 910 MBF (thousand board feet) or approximately 5815 tons of timber on 130 acres. The sale of products would produce revenue for the Public School Trust Fund, while ensuring the long-term productivity and revenue generating capacity. The sale would utilize even age management practices to reduce competition between residual trees and improve stand and forage productivity.

Impacts on the Physical Environment

Evaluation of the impacts on the No-Action and Action Alternatives including **direct, secondary, and cumulative** impacts on the Physical Environment.

VEGETATION:

Vegetation Existing Conditions: The timber stand in the proposed project area is composed of Ponderosa Pine and Douglas-fir. The entire section is used for cattle pasture. Noxious weeds are present on this section, including Houndstongue.

The project area does not contain threatened, endangered, or species of concern occurrences of plants according to the Montana Natural Heritage Program database. Old growth was not observed in the project area.

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Noxious Weeds		X				X				X				1
Rare Plants	X				X				X					

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Vegetative community		X				X				X					2
Old Growth	X				X				X						
Action															
Noxious Weeds		X				X				X					3
Rare Plants	X				X				X						
Vegetative community			X			X				X					4
Old Growth	X				X				X						

Comments:

- (1) This area is mix of rolling rangeland with forested areas interspersed; therefore, a small population of noxious weeds such as houndstongue are established on site.
- (2) Growth of even-aged Ponderosa Pine would continue until full stocking is reached.
- (3) Mechanical treatment would increase ground disturbance and increase the potential spread of noxious weeds
- (4) Species composition will be unaffected as harvesting activities will replicate natural disturbance regimes of the ponderosa pine cover type.

Vegetation Mitigations:

- Noxious weeds will be sprayed with in 60' of haul roads, slash piles and other timber harvest activities for three years following timber harvest
- No rare plants were identified in the project area
- Disturbed areas will be replanted using native seed source
- To minimize the spread of noxious weeds, logging equipment would be inspected and required to be free of weed parts prior to moving onto the site.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Disturbance and Productivity Existing Conditions: The proposed project area has a low standard road system that was constructed in 1982. Existing skid trails from the prior entry have ameliorated due to root penetration and frost action, and impacts from past entries are no longer present. Current course woody debris loading is minimal.

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Physical Disturbance (Compaction and Displacement)	X				X				X				N/A	
Erosion	X				X				X				N/A	
Nutrient Cycling	X				X				X				N/A	
Slope Stability	X				X				X				N/A	
Soil Productivity	X				X				X				N/A	

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Action														
Physical Disturbance (Compaction and Displacement)		X				X				X			Yes	1
Erosion		X				X				X			Yes	1
Nutrient Cycling		X				X				X			Yes	2
Slope Stability	X				X				X				N/A	1
Soil Productivity		X				X				X			Yes	2

Comments:

- (1) Soil displacement and compaction will be limited to 20% of all harvest units is mitigations and operating conditions are implemented correctly. Standard erosion control measures will provide effective erosion prevention. No unstable slopes were observed in the project area.
- (2) 5-10 tons of coarse woody material (>3.0") with as many fines (<3.0") will be retained on site to retain nutrients critical for soil productivity.

Soil Mitigations:

- Limit equipment operations to periods when soils are dry (<20% soil moisture), frozen or snow covered (12" packed, 18" unconsolidated)
- Limit equipment operations to slopes <45%
- Retain 5-10 tons/acre of coarse woody material
- Apply Best Management Practices (BMP) for forestry concurrent with all activities

WATER QUALITY AND QUANTITY:

Water Quality and Quantity Existing Conditions: The Wolfagator timber sale project area (20-25" of annual precipitation) is located in between the South Fork and the North Fork of McDonald Creek watersheds, which are both tributaries to the Musselshell River. One Class II stream exists on this state section, but it is not located in the proposed project area. This stream does not support a fishery on state owned land.

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Water Quality	x				x				x				N/A	
Water Quantity	x				x				x				N/A	
Action														
Water Quality	x				x				x				N/A	
Water Quantity	x				x				x				N/A	

Comments: No cumulative impacts to water quality or quantity are likely to occur because of the action alternative.

Water Quality & Quantity Mitigations:

- BMPs for forestry will be applied concurrent with all logging and hauling operations to mitigate sediment production and transport to water bodies or stream courses.
- The Streamside Management Zone (SMZ) Law will be applied to all stream in the project area.
- Montana Administrative Rules for Forest Management will be applied throughout the implementation of this project.

FISHERIES:

Fisheries Existing Conditions: There are no fish bearing streams in the proposed project area.

No-Action: Negligible direct or indirect impacts would occur to affected fish species or affected fisheries resources beyond those described in Fisheries Existing Conditions. Cumulative effects (other related past and present factors; other future, related actions; and any impacts described in Fisheries Existing Conditions) would continue to occur.

Action Alternative (see Fisheries table below):

Fisheries	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Sediment	X				X				X				N/A	
Flow Regimes	X				X				X				N/A	
Woody Debris	X				X				X				N/A	
Stream Shading	X				X				X				N/A	
Stream Temperature	X				X				X				N/A	
Connectivity	X				X				X				N/A	
Populations	X				X				X				N/A	
Action														
Sediment		X			X					X			Yes	1
Flow Regimes	X				X				X				Yes	1
Woody Debris	X				X				X				Yes	1
Stream Shading	X				X				X				Yes	1
Stream Temperature	X				X				X				Yes	1
Connectivity	X				X				X				Yes	1
Populations	X				X				X				Yes	1

Comments:

- (1) There is no fish bearing stream within the project area. BMPs will be utilized to prevent carrying of sediment during spring runoff and during heavy rainfall.

Fisheries Mitigations:

- Apply all BMPs for forest management activities concurrent with road construction, hauling and harvesting.

WILDLIFE:

No-Action: None of the proposed activities would occur. In the short-term, no changes to the amounts, quality or spatial arrangement of the forested habitat would occur. In the Long-term and in the absence of natural disturbance, habitat availability would increase for species preferring open mature forest stands, while habitat availability would decrease for species preferring dense mature forest stands.

Action Alternative (see Wildlife table below):

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Threatened and Endangered Species														
Canada lynx (<i>Felix lynx</i>) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	X				X				X				N/A	1
Wolverine (<i>Gulo gulo</i>)	X				X				X				N/A	1
Sensitive Species														
Bald eagle (<i>Haliaeetus leucocephalus</i>) Habitat: Late-successional forest within 1 mile of open water	X				X				X				N/A	2
Black-tailed prairie dog (<i>Cynomys ludovicianus</i>) Habitat: grasslands, short-grass prairie, sagebrush semi-desert	X				X				X				N/A	2
Gray Wolf (<i>Canis lupus</i>) Habitat: Ample big game populations, security from human activities	X				X				X				N/A	2
Harlequin duck	X				X				X				N/A	2

Wolfagator Limited Access Timber Sale
Montana Department of Natural Resources and Conservation

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
<i>(Histrionicus histrionicus)</i> Habitat: White-water streams, boulder and cobble substrates														
Mountain plover <i>(Charadrius montanus)</i> Habitat: short-grass prairie & prairie dog towns	X				X				X				N/A	2
Peregrine falcon <i>(Falco peregrinus)</i> Habitat: Cliff features near open foraging areas and/or wetlands	X				X				X				N/A	2
Greater Sage grouse <i>(Centrocercus urophasianus)</i> Habitat: sagebrush semi-desert	X				X				X				N/A	3
Townsend's big-eared bat <i>(Plecotus townsendii)</i> Habitat: Caves, caverns, old mines	X				X				X					
Big Game Species														
Elk		X				X				X			Yes	4
Whitetail		X				X				X			Yes	4
Mule Deer		X				X				X			Yes	4
Other														

Comments:

- (1) The project area occurs outside of the normal distribution of Canada Lynx and Wolverine in Montana. Thus, no direct, secondary or cumulative effects to these species would be anticipated.
- (2) The project area is either out of the range of the normal distribution for this species or suitable habitat is not present. Thus, no direct, secondary or cumulative effects would be anticipated.
- (3) The project area is not located in Greater Sage Grouse general habitat or core habitat and the nearest known lek site occurs approximately 15 miles Northeast of the project area (survey date 1999).
- (4) For Big game species, the project duration would be short and ample hiding cover and winter cover would be retained in thinned stands. Disturbance associated with thinning activities could temporarily displace individual animals in the area, however the

project would be short, thus minor adverse direct, secondary, and cumulative effects to these species would be expected.

Wildlife Mitigations:

-A minimum of two snag and two snag recruitment tree per acre, of the largest diameter class, would be retained. Cull live trees and cull snags would be retained where possible given human safety considerations.

-Maintain screening cover along riparian areas.

-Retain coarse woody debris amounts in harvest units following recommendations of Graham et al. (1994) (i.e., 5 – 10 tons of coarse woody debris per acre).

- DNRC wildlife biologist would be contacted should any threatened or endangered species be encountered within the proposed project area.

-DNRC wildlife biologist would be contacted should an active raptor nest be encountered within ½ mile of the proposed project area.

AIR QUALITY:

Air Quality	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Smoke	X				X				X				N/A	
Dust	X				X				X				N/A	
Action														
Smoke		X				X				X			Yes	1
Dust		X				X				X			Yes	2

Comments:

1) Under the Action Alternative, slash piles consisting of tree limbs and tops and other vegetative debris would be created throughout the project area during harvesting. These slash piles would ultimately be burned after harvesting operations have been completed.

The project area is located within Montana Airshed Group 9 which encompasses major portions of eastern Montana. Few residential properties are found within the vicinity of this project.

(2) Harvesting and hauling logs could create dust, which may affect local air quality. However, because dust would be localized to skid trails and haul roads and operating duration would be brief, effects to air quality because of dust generated during harvest activities are expected to be low.

Air Quality Mitigations:

- Burning within the project area would be short in duration and would be conducted when conditions favored good to excellent ventilation and smoke dispersion as determined by

the Montana Department of Environmental Quality and the Montana/Idaho Airshed Group.

- The DNRC, as a member of the Montana/Idaho Airshed Group, would burn only on approved days.

ARCHAEOLOGICAL SITES / AESTHETICS / DEMANDS ON ENVIRONMENTAL RESOURCES:

The DNRC archaeologist conducted a Class III cultural and paleontological resources inventory of the area of potential effect (APE). During the course of inventory, a source of toolstone and a minor lithic scatter (24FR1380) were identified in the APE. A possible grave locality (24FR1381) was reported by a local resident, but this feature could not be confirmed as a grave and is well outside the APE for the proposed timber sale. Site 24FR1381 is recommended as ineligible for listing in the National Register of Historic Places, and site 24FR1381 has not been evaluated because it will not be impacted. As such, proposed timber harvest activities will have *No Effect to Antiquities* as defined under the Montana State Antiquities Act. A formal report of findings has been prepared and is on file with the DNRC and the Montana State Historic Preservation Officer.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Historical or Archaeological Sites	X				X				X				N/A	
Aesthetics	X				X				X				N/A	
Demands on Environmental Resources of Land, Water, or Energy	X				X				X				N/A	
Action														
Historical or Archaeological Sites	X				X				X				N/A	1
Aesthetics	X				X				X				N/A	
Demands on Environmental Resources of Land, Water, or Energy	X				X				X				N/A	

Comments:

- (1) Harvest activities will not be allowed within 100 feet of site 24FR1381.

Mitigations:

- If any potentially undisturbed cultural remains are discovered during the project, all construction work will cease until the DNRC Archaeologist is notified and the unanticipated discovery is adequately evaluated.

OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: *List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

- None

Impacts on the Human Population

Evaluation of the impacts on the proposed action including **direct, secondary, and cumulative** impacts on the Human Population.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Health and Human Safety	X				X				X				N/A	
Industrial, Commercial and Agricultural Activities and Production	X				X				X				N/A	
Quantity and Distribution of Employment	X				X				X				N/A	
Local Tax Base and Tax Revenues	X				X				X				N/A	
Demand for Government Services	X				X				X				N/A	
Access to and Quality of Recreational and Wilderness Activities	X				X				X				N/A	
Density and Distribution of population and housing	X				X				X				N/A	
Social Structures and Mores	X				X				X				N/A	
Cultural Uniqueness and Diversity	X				X				X				N/A	
Action														
Health and Human Safety		X				X				X			Yes	1
Industrial, Commercial and	X				X				X				N/A	

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Agricultural Activities and Production														
Quantity and Distribution of Employment	X				X				X				N/A	
Local Tax Base and Tax Revenues	X				X				X				N/A	
Demand for Government Services	X				X				X				N/A	
Access To and Quality of Recreational and Wilderness Activities		X				X				X			N/A	1
Density and Distribution of population and housing	X				X				X				N/A	
Social Structures and Mores	X				X				X				N/A	
Cultural Uniqueness and Diversity	X				X				X				N/A	

Comments:

(1) State Land associated with this project has no legal public access.

Locally Adopted Environmental Plans and Goals: *List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

- None

Other Appropriate Social and Economic Circumstances:

Costs, revenues and estimates of return are estimates intended for relative comparison of alternatives. They are not intended to be used as absolute estimates of return. The estimated stumpage is based on comparable sales analysis. This method compares recent sales to find a market value for stumpage. These sales have similar species, quality, average diameter, product mix, terrain, date of sale, distance from mills, road building and logging systems, terms of sale, or anything that could affect a buyer's willingness to pay.

No Action: The No Action alternative would not generate any return to the trust at this time.

Action: The timber harvest would generate additional revenue for the Common School Trust. The estimated return to the trust for the proposed harvest is \$37,448.00 based on an estimated harvest of 910 thousand board feet (5815 tons) and an overall stumpage value of \$8.00 per ton for sawlogs, and \$2.00 per tons for small sawlogs. Costs, revenues, and estimates of return are estimates intended for relative comparison of alternatives, they are not intended to be used as absolute estimates of return.

References

DNRC 1996. State forest land management plan: final environmental impact statement (and appendixes). Montana Department of Natural Resources and Conservation, Forest Management Bureau, Missoula, Montana.

DNRC. 2010. Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan: Final EIS, Volume II, Forest Management Bureau, Missoula, Montana.

Does the proposed action involve potential risks or adverse effects that are uncertain but extremely harmful if they were to occur?

No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

No

Environmental Assessment Checklist Prepared By:

Name: Josh Stoychoff

Title: Area Forester

Date: October 17, 2022

Finding

Alternative Selected

Action Alternative

Significance of Potential Impacts

None

Need for Further Environmental Analysis

☐

EIS

☐

More Detailed EA

☒

No Further Analysis

Environmental Assessment Checklist Approved By:

Name: Clive Rooney

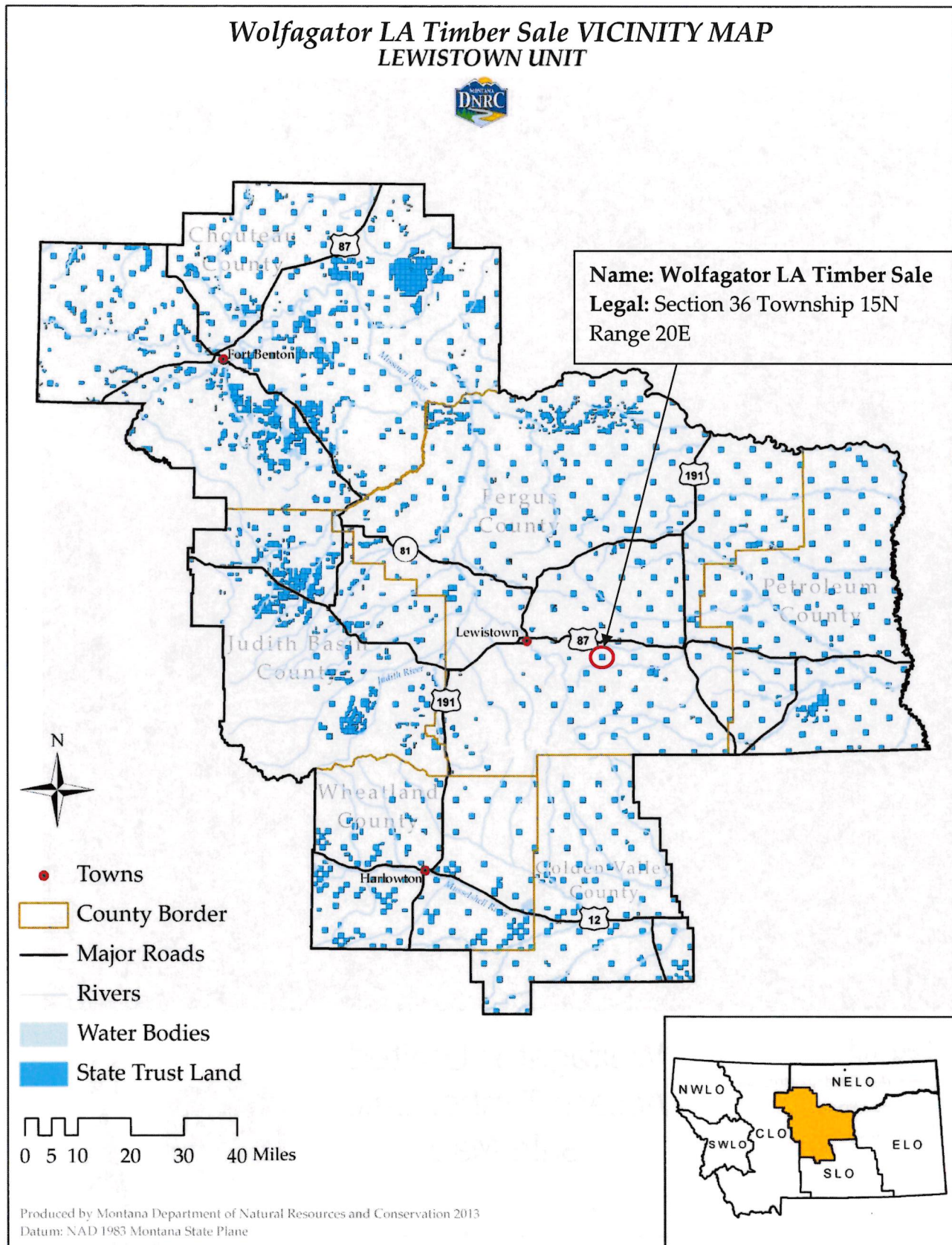
Title: NELO Area Manager

Date: October 18, 2022

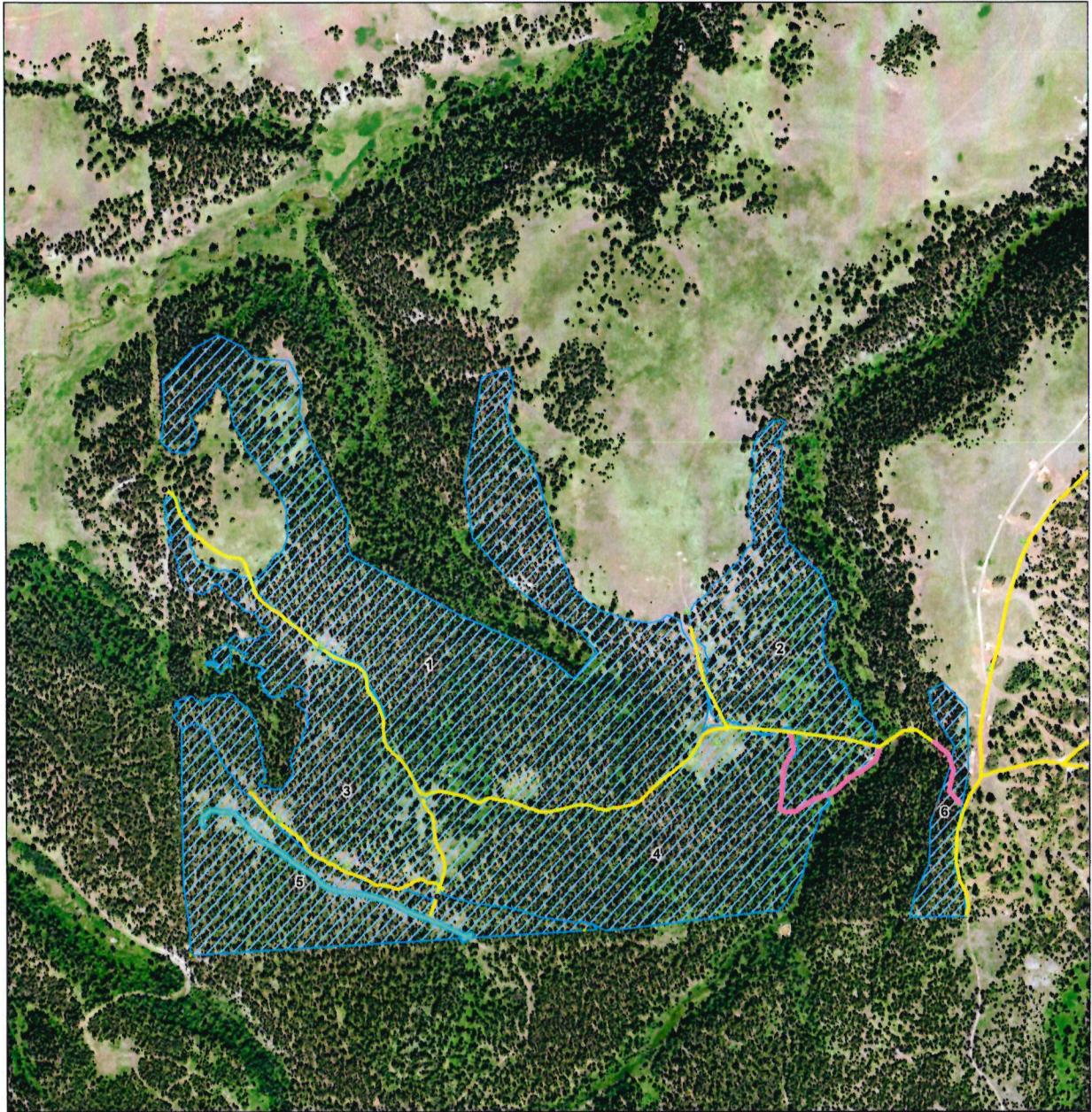
Signature:

Attachment A - Maps

A-1: Timber Sale Vicinity Map



A-2: Timber Sale Harvest Units



Legend

- New Road Construction
- Haul Route
- Tractor

Wolfagator Limited
Access Timber Sale
Sale Map

0 0.07 0.15 0.3 Miles



JRS 10/11/2022

Attachment B – Public Comment and Responses

INTRODUCTION

This section contains public comment, as well as DNRC responses, related to the proposed Wolfagator Limited Access Timber Sale. The specific comment or question is presented in **bold** font and DNRC's response to address this comment is presented in underlined italic font below it. Portions of the comment letters that are either personal opinion or recommendation and do not require a response from the DNRC as they are outside the scope of the current analysis are not portrayed in bold font.

Comment from D. Murnion received 8/29/2022 (transcribed from its original letter form):

8-27-22

To: Josh Stoychoff

DNRC – Lewistown Unit

613 Northeast Main Street

Lewistown, MT 59457

From: David J. Murnion

1333 Ancient Tr.

Forest Grove, MT 59441

Re: Wolfagator L.A. Timber Sale Proposal

Thank you for the notice on the initial proposal for the Wolfagator L.A. Timber Sale.

Cutting 1.5 MMBF from 160 acres constitutes a clear cut or a near clear cut on those 160 acres.

That is essentially a deforestation proposal on that 160 acres.

DNRC response: During timber sale design and planning process, the proposed prescription was revised to harvest 910 MBF on 130 acres, which is less than the volume and acreage that was originally proposed during scoping. We believe that this level of harvest is appropriate for the stocking level of the stand. As per the State Forest Land Management Plan (SFLMP), the DNRC designs timber harvest projects to mimic natural disturbance regimes of the area, which is primarily fire disturbance. Harvest through a seed tree prescription would mimic the natural fire disturbance regime to the area. Many large, mature trees would be retained as seed trees on the post-harvest site to promote natural regeneration, as would be expected following a wildfire. Anticipated effects of this proposed harvest are presented in the Environmental Assessment.

Deforestation leads to desertification: on the BLM 960 on Middle Bench approx. 1 mile west of my residence, BLM purposely overharvested on portions of the area they had mapped and marked to be logged, in 2006-2008.

You can look for yourself at the deplorable result.

The portions purposely overlogged on the BLM 960 on Middle Bench exhibit badly eroded soil structure. Thousands of resource replacement trees were piled in giant so-called “slash piles” and burned two years later. A terrible waste of resources.

In the process of stealing trees marked for retention, the loggers permanently destroyed a historic building. The local BLM forester praised the logging company for their overlogging, did not hold them accountable for destroying the historic building.

While there is some forest regeneration taking place on the BLM 960, there is blatant evidence of severe soil erosion, noxious weed infestations, pine beetle introduction to remaining trees in those areas.

Upland ground bird habitat – gone and not recovered.

Whitetail security cover – destroyed and not recovered.

Cow elk calving grounds – destroyed and not reoccupied.

Songbird and perching bird habitat – destroyed and not recovered.

Northern Goshawk nesting habitat – destroyed and not recovered.

Several owl species nesting habitat – destroyed and not recovered.

DNRC response: The above-mentioned BLM 960 Middle Bench timber harvest was not conducted by the DNRC and thus DNRC cannot speak to the project-level effects of the BLM 960 Middle Bench harvest. However, we acknowledge this project may contribute to cumulative effects in addition to those created by the proposed Wolfagator project. Cumulative effects relevant to this project are addressed in the EA.

On the Middle Bench State Section 1998 – 2000, regeneration is occurring, but the giant “slash piles” that held 1 million board feet of marketable wood products, according to a licensed forester, left the ground where they were burned so sterile, almost nothing is growing back, but of course, noxious weeds took advantage of the void and moved in. Pine beetle infestation and noxious weed invasions occurred on a huge scale. Two sensitive owl species’ habitat was badly damaged. Northern Goshawk habitat badly damaged. Great Blue Heron Rookery abandoned from too much official activity by DNRC and FWP, blue herons shot and killed by ... Who? A year later, more blue herons killed by several raccoons live trapped and secretly released by two local loggers at the suggestion of a Lewistown Unit DNRC personnel.

Beaver Ball Creek State Section on the Bonaface Divide, 1998-2000: On this State Section there were well over 300 tall pine trees 265 years old, perfectly spaced apart, a perfectly healthy forest that served as valuable nesting habitat for Saw Whet Owls, a Great Gray Owl, numerous songbird species, perching birds and tree clinging birds.

DNRC’s Lewistown Unit forester at the time blatantly lied in his EA and written assessment, stated the 265 year old healthy pine were “diseased and needed to be removed”, justifying the cutting of all those healthy trees.

North Fork State Section 2001: A local rancher told me he called up one Montana State Land Board Commissioner, told that Commissioner he wanted all the old growth trees removed from that State Section, told me that Commissioner agreed to see that was done.

North Fork State Section 2008-2010. DNRC's Lewistown Unit Forester at that time purposely misled the public by purposely listing the North Fork State Section under fictitious Section, Township and Range numbers, apparently to "sneak" the logging through with no public input.

The North Fork State Section is barren of old growth and advanced second growth to this day.

DNRC Response: Project-specific concerns should be provided to local managers at the time of occurrence so that they may be properly rectified. DNRC acknowledges the above-mentioned projects from the past may contribute to cumulative effects in conjunction with the environmental effects of the proposed Wolfagator project. Cumulative effects relevant to this project are addressed in the EA.

All DNRC timber sale contracts contain log and utilization specifications that must be met by contractors. Occasionally logs or pieces of logs that may be merchantable or may appear merchantable may end up in slash piles. DNRC foresters that administer the sales do periodic inspections and frequently communicate with operators to minimize this occurrence.

Logging slash can both contain and attract certain species of bark beetles. Prompt disposal of slash is necessary to mitigate potential impacts from bark beetles as well as fire hazard and DNRC strives to accomplish this in accordance with applicable laws, regulations and operating guidelines. Additionally, all of DNRC's contracts contain stipulations for weed management during and for a period after the harvest is complete. All logging equipment is required to be power-washed and inspected prior to use on the site to minimize the introduction and spread of weeds. Noxious weeds are addressed in this EA, Vegetation Section, page 4-5.

Potential impacts to wildlife species and habitat are addressed in this EA, Wildlife Analysis Section, pages 7-10.

Forest stands can take several decades to a century or more to regenerate and/or develop. Additionally, following timber harvesting activity where regenerating a new stand or age class within a stand is a project objective, DNRC is required to conduct regeneration surveys to ensure that treatment objectives were met, as per ARM 36.11.420.

DNRC Lewistown Unit has a poor reputation for integrity, healthy forest practices, real attention to archeological resources, bird habitat, wildlife habitat on numerous State School Trust Lands severely logged in Central Montana.

The Wolfagator Timber Sale Proposal raises serious concerns:

Who would receive the bid to log the 1.5 million board feet from the 160 acres? Has that already been decided?

DNRC Response: B&M Trucking Inc. is approved sole access to the state section. The proposed prescription was revised to harvest 910 MBF on 130 acres, as described in the Action Alternative in the EA, page 4.

I am requesting any and all archeological assessment of this State Section. I have hiked that area in years past, I know what ancient Indigenous cultural sites are there.

DNRC Response: The archeological assessment that was conducted within the project area by the DNRC archeologist will be sent to D. Murnion's home address. The archeological analysis can also be viewed in this EA, pages 11.

I am requesting the EA on this parcel when it is available. I am requesting any and all bird and wildlife assessments on this parcel by DNRC's wildlife biologist. There were, not long ago, probably still are, number owl species in this parcel and surrounding areas.

DNRC Response: A copy of this EA will be sent to D. Murnion's home address for viewing. The wildlife analysis can be viewed in this EA, Wildlife Analysis Section, pages 7-10.

Why does DNRC believe they need to develop a clear cut or near clear cut on this State Section? The term "shelterwood harvest prescription" sounds as if it is meant to leave almost nothing growing on the 160 acres proposed for logging, except maybe scant doghair patches and clumps of young seedlings here and there. This is unacceptable in today's world.

DNRC Response: The DNRC is proposing to implement a seed tree harvest prescription on the state section, not a clear cut or shelterwood harvest prescription. A seed tree harvest retains a number of widely dispersed mature trees for seed production to produce a new age class in a fully exposed microenvironment. The seed tree harvest proposed for this project will leave at least 6-9 trees per acre. Additionally, at least 2 snags and 2 snag recruits over 21 DBH per acre, or the largest size class available, will be retained as required by ARM 36.11.411.

Songbirds, perching birds, tree clinging birds are rapidly declining in large numbers across the North American continent. DNRC needs to effectively do its part in protecting and enhancing bird habitat, not destroying it as the 1.5 MMBF proposed cut on 160 acres would do.

DNRC Response: An analysis of the impacts of the proposed project on wildlife species and habitat is available in this EA, Wildlife Analysis Section, pages 7-10.

I am expecting integrity, honesty, thoroughness (in archeological, bird and wildlife habitat and numbers, forest stands and accumulative effects assessments) on this State Section.

I will ahead of time express my sincere appreciation for anything DNRC Lewistown Unit personnel do to enhance and protect bird and wildlife habitat, old growth and advanced second growth stands, archeological sites, rather than destroying or partially destroying them as DNRC has done in the past.

I am opposed to this timber sale proposal as it stands now. Perhaps DNRC can modify it to a SELECTIVE HARVEST that would leave a forest for birds and wildlife rather than a clear cut or near clear cut?

DNRC Response: As per the State Forest Land Management Plan (SFLMP), the DNRC designs timber harvest projects to mimic natural disturbance regimes of the area, which is primarily fire disturbance. Harvest through a seed tree prescription would mimic the natural fire disturbance regime common to the area. Many large, mature trees would be retained as seed trees on the post-harvest site to promote natural regeneration, as would be expected following a wildfire.

Thank you.

Most sincerely,

David J. Murnion

Comment from J. Mercenier received 8/29/2022 (transcribed from its original letter form):

DNRC

August 26, 2022

Attn: Josh Stoychoff

From: Jacqueline S. Mercenier

613 NE Main

1333 Ancient Trail

Lewistown, MT 59457

Forest Grove, MT, 59441

To: Josh Stoychoff

The proposed “timber harvest” on Section 36, Township 15, Range 20 East, in Fergus County, of “an estimated 1.5 million board feet (MMBF)... from approximately 160 acres” sounds more like a clear cut than an “improvement of the stand health and vigor” of the present standing trees. My 25 years experience of DNRC logging has showed me that the “removal of overly mature & ... trees” has meant in reality the removal of old growth trees. In the past, a DNRC employee told me “What’s the value of old growth? There is none!” Yet the science shows us today that indeed the old growth trees are vital to the young trees (see “Finding the Mother Tree” by Suzanne Simard, published 2021), something Native People have known for thousands of years. This includes the dying old growth trees, what is called in this Wolfagator project “overly mature”. TIP: the elder trees that have survived many stresses need “to be kept around... to spread their seeds in the disturbed areas and pass their genes and energy and resilience into the future” (Simard, p. 288).

DNRC Response: The proposed harvest units on the state section are primarily composed of Ponderosa Pine, as described in this EA, Vegetation Analysis Section, page 4-5. It is not considered old growth as it does not meet or exceed the minimum criteria for old growth as noted in Green et al. (1992), which is the DNRC’s standard for old growth classification. The minimum criteria for east-side ponderosa pine old growth are at least 4 trees per acre that are at least 17 inches d.b.h. with an average age of at least 180 years, and total basal area for the stand of at least 40 square feet.

Although the forest stand is not considered old growth after DNRC’s field inspection per Green et al. (1992) criteria, the DNRC acknowledges the importance of retaining some mature trees on the post-harvest stand. The proposed project would utilize a seed tree harvest, which would retain at least 6-9 widely dispersed mature trees per acre for seed production to produce a new age class in a fully exposed microenvironment. Additionally, at least 2 snags and 2 snag recruits of 21-inch DBH or the largest size class available would be retained per acre, as per ARM 36.11.411.

Another problem with the usual DNRC logging projects is the use of feller-bunchers. A very heavy machinery, the feller-buncher crushes everything on its passage, destroying and removing topsoil. Topsoil is of primordial essence to the recovery of a forest. Clear-cut and/or forests that have been heavily logged by a feller-buncher – and “heavily” is always the case with logging with a feller-buncher- do not recover for years!...

DNRC Response: The DNRC acknowledges that logging machinery may cause impacts to soil resources, however, exposing mineral soil as a part of logging activities can also dramatically improve conifer seedling success for forest regeneration. DNRC has been conducting

quantitative soil monitoring studies on timber harvest projects since 1988. The equipment used to harvest timber and the slopes that the equipment operates on are typically the best indicators for potential soil impacts with increased levels of impacts as slopes increase with traditional ground-based equipment. Impacts measured and considered include displacement, compaction, erosion, and total detrimental disturbance. DNRC has found that total detrimental disturbance on similar projects averages approximately 13% of the ground area. Primary skid trail areas and other areas of severe soil impacts may remain for 10 - 30 years.

DNRC implements several mitigation measures on each project to minimize adverse impacts to soils. Such mitigations would also be implemented as a part of this project. All DNRC's logging contracts specify when and where the contractor is allowed to operate equipment. Operation of machinery would be limited to designated skid trails and landing zones. Additionally, logging operations would only be allowed when soils are dry and/or frozen to minimize impacts to soil resources. Refer to this EA, Soils Analysis Section, page 5-6 for full analysis and disclosure of potential soil impacts.

Deforestation becomes desertification. Science: (see "The Reindeer Chronicles" by Judith D. Schwartz, pub. 2020 – Stories are recorded all over the world, including temperate climates).

Thus the "creation of an opportunity for natural regeneration" does not happen. It is a myth. In most cases, "regeneration" happens when a forest is left alone from human intervention.

DNRC response: With the proposed seed tree harvest prescription, 6-9 widely spaced, mature trees will be retained per acre for the purpose of seed production to produce a new age class in a fully exposed microenvironment. Additionally, following timber harvesting activity where regenerating a new stand or age class within a stand is an objective, DNRC is required to conduct regeneration surveys to ensure that treatment objectives were met, as per ARM 36.11.420.

Why do humans intervene? For money, usually. In this case: "generation of revenue for the Common Schools Trust". **Since DNRC equals its gross income with its net, their contribution to the Common Schools Trust per year is less than 1% and barely above half of 1%.** This fact has been researched and proven by a MSU professor.

DNRC response: We refer the commenter to the Trust Land Management Division's most recent Annual Report for Fiscal Year 2021, which provides detailed accounting of the Forest Management Program: <http://dnrc.mt.gov/divisions/trust/docs/annual-report/fy-2021-trust-lands-annual-report.pdf>

The demand of the mandate of the state statute 77-5-222 is questionable in itself. Why was it put in place in the first place? For the profit of the timber industry at the expense of the ecological and therefore general health of the State of Montana? I understand needing wood; however there are now wood products harvested from "sustainably harvested forests". Jackson Hole, Wyoming, has construction companies that use exclusively "green" and "sustainably harvested" woods. I don't think "1.5 MMBF in approximately 160 acres" can be called a "sustainable harvesting forest" project.

DNRC response: State statute 77-5-222 requires the DNRC to conduct a sustainable yield calculation every 10 years to ensure the program is harvesting on a sustainable basis over the long-term to meet the DNRC's objectives of generating revenue for the trust beneficiaries and managing for healthy, resilient and biologically diverse forests. State statute 77-5-222

ensures protection against harvesting for short-term gain and depleting the forest resource on State trust lands.

To come back to the said deforestation, i.e. desertification, what happens to the wildlife and bird life, and insect life? – that we need too- We are losing our pollinators, which relates directly to production of our food... and there are no “bad” and “good” insects: in nature, all is related, inter-connected: whatever we lose in one species, in one domain, has consequences – and usually more than we known – in other species and domains.

DNRC Response: An analysis of the proposed project's impact to wildlife species and habitat and mitigations that will be implemented are available in this EA, Wildlife Analysis Section, pages 7-10.

The amount and quality of forests we have – i.e. in Montana, that's where we live – determine the quality of our air & the frequency of our rains. We need that oxygen. We need the amount of carbon to be healthily regulated, we need rains ... presently the + degrees are getting dangerously high and the general climate – yes, even in Montana – is too dry, thus the danger of fires!...

Maybe DNRC can study ecology a little more closely, learn the lessons of the past (by studying the present) and, for heaven's sake, change the lenses it looks at its “projects”? And the state can have a 2nd look at its statute 77-5-222?

DNRC response: The DNRC utilizes the State Forest Land Management Plan (SFLMP) as the “lens” to analyze, implement and monitor its forest management projects. The SFLMP was developed from an ecological basis with the understanding that managing for biologically healthy, diverse and stable forests will provide a reliable and sustained income for the trust beneficiaries. The proposal to change the direction of state statute 77-5-222 is beyond the scope of this project.

Thank you for this opportunity to make us all think how to live better in our beautiful and worthwhile Montana. Mr. Stoychoff, DNRC and MT State, we have only one Montana. It is easier to prevent disasters than repair bad and/or repeated mistakes later.

Sincerely,

Jacqueline S. Mercenier

Master in Biology,

University of Brussels, Belgium

P.S. To shorten my letter, I didn't mention on purpose, the huge “brush piles” that happen in the DNRC feller-bunch forests “harvests”. Those brush piles attract beetle-kill insects – not to mention the waste of good trees, i.e. good post & poles, to name just one wood product – when the brush piles are burned a couple of years later, including the live adjacent trees! The beetle-kills move further in remaining trees, eventually destroying these and moving further. The burned soil incurs such high temp. that it doesn't recover easily – if ever? Twenty years later and more, some forests soils have still not recovered...

c.c.: copies of this letter will be circulated.

DNRC Response: Logging slash can both contain and attract certain species of bark beetles. Prompt disposal of slash is necessary to mitigate potential impacts from bark beetles as well as fire hazard. DNRC strives to accomplish this in accordance with applicable laws, regulations and operating guidelines.

All DNRC timber sale contracts contain log and utilization specifications that must be met by contractors. Occasionally, logs or pieces of logs that may be merchantable or may appear merchantable may end up in slash piles. DNRC foresters that administer the sales do periodic inspections and frequently communicate with operators to minimize this occurrence.

It is possible for live trees adjacent to the brush piles to be scorched or damaged by heat from burning slash piles. Damage from brush pile burning may occur to trees immediately adjacent to the slash pile, within approximately 75 feet, however damage to trees farther than approximately 75 feet from the pile is highly unlikely. Additionally, the impact to an individual tree adjacent to the burning slash pile is also largely dependent on the size of the slash pile and the amount of radiant heat the pile creates.

Comment from Crow Reservation THPO received on 8/17/2022 (original phone call transcribed):

Aaron Brien of Crow Agency Office called and left a voicemail in response to the Wolfagator scoping notice stating the Crow Agency has no comment at this time. **He requested the DNRC reach out to him if any cultural or historical items are discovered in the project area.**

DNRC response: Thank you for your interest in the project. A Class III report was conducted by the DNRC archeologist. Analysis of potential impacts to archeological resources is available in this EA, Archeological Analysis Section, pages 11. If any additional items of cultural or historical significance are found, logging operations will pause and the Crow agency will be made aware of the finding.

Comment from Northern Cheyenne THPO received on 8/30/2022:

After reviewing the project, Northern Cheyenne is requesting more information such as a class I and or III report since 160 acres will be disturbed and a permanent road will be constructed.

If you have any questions, please do not hesitate to contact me.

Thank You,

Gary LaFrasier

FCC/ Section 106 Coordinator

(406) 477-8114

Lame Deer, MT. 59043

DNRC Response: A Class III report was conducted by the DNRC archeologist. Analysis of potential impacts to archeological resources is available in this EA, Archeological Analysis Section, pages 11.

Comment from F.H. Stoltze Land & Lumber Company received 8/26/2022:

August 26, 2022

Josh Stoychoff
Lewistown Unit
613 Northeast Main Street
Lewistown, MT 59457

RE: Comments on the Wolfgator Timber Sale Initial Proposal.

Jess,

F.H. Stoltze Land and Lumber would like to show our support for the Wolfgator Timber Sale project. While this sale would be out of our purchasing area, F.H. Stoltze is glad to see any projects on State Trust Lands go forward. Active forest management is the best way to achieve the goals set in the proposal. Timber harvest will greatly reduce the fuel load and increase forest resilience to wildfire. The associated roads will increase access for firefighting and other management activities. The harvest types will increase the health and vigor of the forest and promote new growth to regenerate the stand. Products sold will provide income to the School Trusts and support local jobs.

One item to consider is the current market of non-saw products, such as pulp. Supply exceeds demand driving prices down and increasing quotas from the very few facilities that purchase it. This makes it very difficult, both financially and physically, to handle these products. I understand that proper management requires the removal of these products to achieve the set goals. I suggest that DNRC explore other ways of to handle these products to increase options for purchasers.

Thank you for the opportunity to comment and I look forward to seeing this project move forward.

Sincerely,

Jeff Whitlock

DNRC Response: Thank you for your interested in the project. We value your opinion and will take your comments related to non-sawlog products into consideration.

